

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

U.S.A. vs. Anthony Shennard Lewis

Docket No. 4:00-CR-47-1H

Petition for Action on Supervised Release

COMES NOW C. Lee Meeks, Jr., probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Anthony Shennard Lewis, who, upon an earlier plea of guilty to Possession With Intent to Distribute More Than 50 Grams of Cocaine Base (Crack), in violation of 21 U.S.C. § 841(a)(1), was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on August 21, 2001, to the custody of the Bureau of Prisons for a term of 188 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 5 years under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.
4. The defendant shall pay a \$100 special assessment.

On May 4, 2005, the term of imprisonment was reduced to 120 months pursuant to a motion for downward departure. Pursuant to a motion by the defendant under 18 U.S.C. § 3582(c)(2), the term of imprisonment was further reduced by the court to 97 months on May 16, 2008. Anthony Shennard Lewis was released from custody on May 23, 2008, at which time the term of supervised release commenced.

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Based on a March 23, 2009, citation for Driving While License Revoked, Lewis was sanctioned by the court via waiver on April 14, 2009, with 24 hours community service. On February 14, 2011, supervision was modified to convert a 5 day DROPS sanction into a 30 day term of home confinement with electronic monitoring. This sanction was in response to a December 2, 2010, positive urinalysis for marijuana. Lewis was again sanctioned by the court on May 17, 2011, with 40 hours of community service, based on an April 4, 2011, positive urinalysis for marijuana. After remaining drug free for approximately one year, Lewis again tested positive for marijuana on May 8, 2012, and was sanctioned by the court with 40 additional hours of community service. On November 27, 2012, the defendant tested positive for marijuana. Considering Lewis' gainful employment as a licensed barber and otherwise good adjustment to supervision, the court agreed to sanction the defendant with another 40 hours of community services on December 19, 2012.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: Lewis previously completed 104 total hours of community service by cutting hair for the elderly, sick, and homeless in the New Bern area. It was anticipated the defendant would be able to continue this community service to satisfy the additional 40 hour sanction ordered by the court. However, efforts to arrange a placement for Lewis to complete the community service as noted above have been unsuccessful as insurance regulations would not allow Lewis to cut hair in a volunteer capacity. It is noted the defendant's supervision is scheduled to terminate on May 22, 2013.

In consideration of the above information and Lewis' current employment status, the probation officer believes the ends of justice would best be served by striking the 40 hours community service ordered on December 19, 2013, and allowing the case to terminate on May 22, 2013.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The 40 hours community service ordered by the court on December 19, 2013, is hereby stricken, and the defendant's term of supervision shall terminate as scheduled on May 22, 2013.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ C. Lee Meeks, Jr.
C. Lee Meeks, Jr.
U.S. Probation Officer
200 Williamsburg Pkwy, Unit 2
Jacksonville, NC 28546-6762
Phone: 910-347-9038
Executed On: May 17, 2013

ORDER OF COURT

Considered and ordered this 39th day of October 2013, and ordered filed and recorded in the above case.

"


Malcolm J. Howard
Senior U.S. District Judge